IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1967 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

CHIMANBHAI ATABHAI HARIJAN

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 1967 of 2001

MR MB GOHIL for the Petitioner

MR IM PANDYA, ASST. GOVERNMENT PLEADER for the Respondents

CORAM : MR.JUSTICE A.R.DAVE

Date of decision: 19/12/2001

ORAL JUDGEMENT

Rule. Service of rule is waived by learned AGP Shri I.M. Pandya for the respondents. Looking to the facts of the case, at the request of the learned

advocates, the petition is finally heard today.

2. The petitioner is a part-time Sweeper, who has approached this court, with a prayer that he should be made permanent Sweeper or he should be appointed in the cadre of peon. Before coming to the court, he had made a representation to the concerned authority and the same was turned down by a letter dated 24.3.1999. Reasons for not making the petitioner a permanent sweeper have been stated in the said letter. Looking to the reasons stated in the said letter, in my opinion, this court should not interfere in this matter.

3. Learned advocate Shri M.B. Gohil appearing for the petitioner has submitted that service of the petitioner might be terminated because the petitioner has approached this court. In my opinion, apprehension of the petitioner is not well-founded. Learned AGP Shri I.M. Pandya has fairly submitted that the respondent authorities would never think of having any vengeance against the petitioner because he has approached this court and they would not act in a manner which would not befit an ideal employer. I am sure that filing of this petition should not be a reason for termination of service of the petitioner. It is, however, directed that service of the petitioner shall not be terminated except in accordance with law.

4. It would be open to the petitioner to make a fresh representation after some time when the circumstances are changed.

5. The learned advocate for the petitioner seeks permission to withdraw this petition at this stage. Permission as prayed for is granted. The petition stands disposed of as withdrawn. Rule is discharged with no order as to costs. Interim relief granted earlier stands vacated.

(A.R. Dave, J.)

(hn)